



MAY 25 2006

TO ALL INTERESTED GOVERNMENT AGENCIES AND PUBLIC GROUPS:

Under the National Environmental Policy Act, an environmental assessment has been performed on the following action:

TITLE: Environmental Assessment for the Deep Over-wintering Pool Project, West Branch DuPage River Restoration, DuPage County, Illinois

SUMMARY:

This project is a component of the proposed ecological enhancement of a portion of the West Branch DuPage River, in accordance with National Oceanic and Atmospheric Administration (NOAA) Grant Award No. NA16FZ1559, DuPage River Restoration. The grant recipient, DuPage County Department of Economic Development and Planning, proposes to create deep over-wintering pool for fish, as well as adjacent wetland habitat, along the DuPage River on the publicly owned Roy C. Blackwell Forest Preserve. The 4.8 acre habitat area would particularly benefit fish, but would also provide habitat for aquatic and wetland plants and animals.

The Deep Over-Wintering Pool Project was designed using input from the Forest Preserve District of DuPage County, the public, and NOAA. The public and other interested parties have had several opportunities to comment on and provide input on the proposed project. The DuPage County Department of Economic Development and Planning and the Forest Preserve District of DuPage County held a public meeting on October 2, 2005 to provide a forum to explain the proposed project, as well as several other proposed projects along the West Branch, and to seek public input. In addition, the public had another opportunity to comment on the proposed project, which is included in the DuPage County Division of Stormwater Management's West Branch DuPage River Watershed Plan. The draft Plan was released for public comment on January 3, 2006. The public comment period closed on February 1, 2006. The final Plan was approved by the DuPage County Stormwater Management Committee on February 7, 2006, and the DuPage County Board on February 14, 2006. The Deep Over-wintering Pool Project has not changed substantively since public review of the project as part of the West Branch DuPage River Watershed Plan.

The environmental review process has led us to conclude that these restoration actions will not have a significant affect on the human environment. Consequently, the National Oceanic and Atmospheric Administration submitted the plan for an issuance of a finding of no significant impact (FONSI) which was approved.

The public and other interested parties have participated in a public review and comment period on the proposed restoration plan. The environmental review process has led us to conclude that

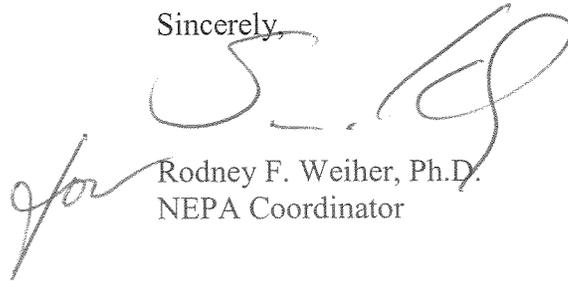


these restoration actions will not have a significant affect on the human environment. Consequently, the National Oceanic and Atmospheric Administration submitted the plan for an issuance of a finding of no significant impact (FONSI) which was approved.

Responsible Official: Dr. John H. Dunnigan
Assistant Administrator
NOAA National Ocean Service
SSMC4, 13th Floor
1305 East West Highway
Silver Spring, MD 20910
(301) 713-3074

Therefore, an environmental impact statement will not be prepared. A copy of the finding of no significant impact including the supporting environmental assessment is enclosed for your information. Please submit any written comments to the responsible official named above. Also, please send one copy of your comments to me at NOAA Office of Program Planning and Integration (PPI), SSMC3, Room 15603, 1315 East-West Highway, Silver Spring, Maryland 20910.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rodney F. Weiher', is written over the typed name and title.

Rodney F. Weiher, Ph.D.
NEPA Coordinator

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT
FOR THE DUPAGE RIVER RESTORATION
DEEP OVER-WINTERING POOL PROJECT
DUPAGE COUNTY, ILLINOIS**

NOAA has completed an Environmental Assessment (EA) of the DuPage River Restoration Grant Deep Over-wintering Pool Project. This project is a component of the proposed ecological enhancement of a portion of the West Branch DuPage River, in accordance with National Oceanic and Atmospheric Administration (NOAA) Grant Award No. NA16FZ1559, DuPage River Restoration.

The grant recipient, DuPage County Department of Economic Development and Planning, proposes to create an Over-wintering Pool and wetland habitat along the DuPage River on the publicly owned Roy C. Blackwell Forest Preserve. DuPage County is located in Illinois south of Chicago; the West Branch DuPage River is part of the drainage basin for the Mississippi River.

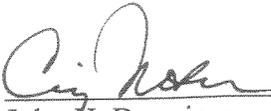
The project objective is to provide environmental enhancements and restoration in addition to and complimentary to the Kerr-McGee remediation and restoration work proposed along the West Branch DuPage River. The bed and banks of a section of the West Branch DuPage River, including the proposed project location, are an Environmental Protection Agency Superfund site. Kerr-McGee is responsible for the clean-up of radioactive residuals (involving excavation of soil and sediment) as well as subsequent restoration within the construction limits. The public has been given the opportunity to review and comment on the Deep Over-wintering Pool restoration project, which is designed to extend and build on the stipulated Kerr-McGee restoration actions (in the clean-up agreement). The pool and wetland habitat created by the project will provide ecological services benefiting a wide range of resources, including native fish and wetland plants.

NOAA prepared this EA to set forth its determination that 1) the alternative, Deep Over-wintering Pool, would be the preferred alternative, and 2) an environmental impact statement (EIS) will not need to be prepared for this project.

The projects will be constructed in compliance with all permits required by County, State, and Federal regulatory agencies. Consultation with the U.S. Fish and Wildlife Service addressing the Endangered Species Act is part of the Administrative Record for this project. The proposed activity was evaluated under the factors specified by the NEPA regulations (40 C.F.R. § 1508.27). Based on a review of these factors and the referenced document, NOAA has concluded that the proposed activity would not have a significant effect on the quality of the human environment.

DETERMINATION

Based upon an environmental review and evaluation of the Environmental Assessment for the DuPage River Restoration Deep Over-wintering Pool project, I have determined that the proposed action does not constitute a major Federal action within the meaning of Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. § 4332(2)(C)). Accordingly, an environmental impact statement is not required for this action.

for 

John H. Dunnigan
Assistant Administrator
National Ocean Service
National Oceanic and Atmospheric Administration

23 May 2006
Date

**Environmental Assessment for the Deep Over-wintering Pool Project
West Branch DuPage River Restoration
DuPage County, Illinois**

Prepared by NOAA

May 2006

Comments/Contact Person:

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EXECUTIVE SUMMARY

This Environmental Assessment (EA) was prepared under the requirements of the National Environmental Policy Act (NEPA) (42 USC 4321 *et seq.*) to disclose potentially significant impacts to the quality of the human environment from implementation of the preferred alternative for the Deep Over-wintering Pool Project along the West Branch DuPage River, DuPage County, Illinois. This proposed project is a component of the proposed ecological enhancement of a portion of the West Branch DuPage River, in accordance with National Oceanic and Atmospheric Administration (NOAA) Grant Award No. NA16FZ1559, DuPage River Restoration. DuPage County is the recipient of this Grant Award.

The overall objective of this project is to provide environmental enhancements and restoration in addition to and complimentary to the Kerr-McGee remediation and mitigation work proposed along the West Branch DuPage River. The bed and banks of a section of the West Branch DuPage River, including the proposed project location, are components of a U.S. Environmental Protection Agency Superfund site. Kerr-McGee is responsible for the clean-up of radioactive residuals (involving excavation of soil and sediment) as well as subsequent mitigation within the construction limits. With the additional NOAA funding, a unique opportunity is available, using the grant funds referred to above, to conduct restoration work that will extend work at the site beyond what is stipulated as part of the Kerr-McGee clean-up agreement.

The grant recipient, DuPage County Department of Economic Development and Planning, proposes to create an over-wintering pool and wetland habitat along the DuPage River on the publicly owned Roy C. Blackwell Forest Preserve. The preferred alternative, Deep Over-Wintering Pool, was designed using input from the Forest Preserve District of DuPage County, the public and NOAA, and is designed to enhance the benefits of the clean-up and mitigation actions performed by Kerr-McGee.

The public has had several opportunities to comment on and provide input on the proposed project. The DuPage County Department of Economic Development and Planning and the Forest Preserve District of DuPage County held a public meeting on October 2, 2005, to provide a forum to explain the proposed project, as well as several other proposed projects along the West Branch, and to seek public input. In addition, the public had another opportunity to comment on the proposed project, which is included in the DuPage County Division of Stormwater Management's West Branch DuPage River Watershed Plan. The draft Plan (CBBEWL 2005) was released for public comment on January 3, 2006. The public comment period closed on February 1, 2006. The final Plan (CBBEWL 2006) was approved by the DuPage County Stormwater Management Committee on February 7, 2006, and the DuPage County Board on February 14, 2006. The Deep Over-wintering Pool Project has not changed substantively since public review of the project as part of the West Branch DuPage River Watershed Plan.

The proposed project would result in no significant environmental impacts. Short-term, temporary and localized construction-related impacts to water and air quality, and

temporary increases in noise from the use of construction equipment are anticipated. However, over the long-term, the habitat enhancement and restoration would benefit fish and wildlife, help to protect and improve water quality, bolster native plant communities, enhance the area's natural resources, and provide opportunities for educational programs.

1. PURPOSE AND NEED FOR RESTORATION

This Environmental Assessment (EA) was prepared pursuant to the requirements of the National Environmental Policy Act (NEPA) to determine whether or not there will be significant impacts to the quality of the human environment from implementation of the preferred alternative for the Deep Over-wintering Pool Project along the West Branch DuPage River, DuPage County, Illinois.

The proposed project is located on 35 acres of land on the publicly owned Roy C. Blackwell Forest Preserve (part of the Forest Preserve District of DuPage County) along the West Branch DuPage River, and would create a deep over-wintering pool for fish, as well as adjacent wetland habitat. The habitat would particularly benefit fish, but would also provide habitat for aquatic and wetland plants and animals.

The estimated cost of the Deep Over-wintering Pool Project is \$2.4 million.

The project is part of an overall river enhancement and restoration approach proposed in the West DuPage River Watershed Plan (CBBEWL 2006). The Watershed Plan was prepared for DuPage County by Christopher B. Burke Engineering West, Ltd. in 2005, and was finalized in 2006. The suite of projects proposed in the watershed plan takes advantage of the Kerr-McGee Superfund cleanup described below in section 1.1, with the goal of improving habitat and water quality and enhancing the Superfund mitigation activities. Specific goals of the West DuPage River Watershed Plan include:

- Improve fish spawning, mollusk, and macroinvertebrate habitat along a 4-mile stream reach,
- Increase dissolved oxygen in the 4-mile reach by creating riffle/pool sequences,
- Provide to the public improved recreational canoe/boating access on the river by removing man-made obstructions and improving access to the stream corridor for fishing, hiking, birding, and other passive activities, and
- Enhance the water quality in the 4-mile reach to meet the County's goal of a fishable/swimable stream.

1.1 Kerr-McGee Superfund Site

The overall objective of this project is to provide environmental enhancements and restoration in addition to and complimentary to the Kerr-McGee remediation and mitigation work proposed along the West Branch DuPage River. This project is one of a group of integrated, coordinated projects proposed by DuPage County along this stretch of the river.

The beds and floodplain of a section of the West Branch DuPage River and Kress Creek, including the proposed project location, are components of a U.S. EPA Superfund site (with clean-up proceeding under CERCLA). Kerr-McGee is responsible for the clean-up of radioactive thorium waste (involving excavation and processing of soil and sediment) as well as subsequent mitigation within the construction limits. The radioactive waste

originated from the West Chicago, IL Rare Earths Facility, which operated between 1932 and 1973, and produced both nonradioactive elements (rare earths) and radioactive elements such as thorium, radium, and uranium. Kerr-McGee bought the facility in 1969 and operated it until it closed in 1973. Extracting the desired elements from ores left radioactive mill tailings. Surface run-off and facility discharges, both of which were carried by a storm sewer into Kress Creek, caused the contamination of Kress Creek and downstream in the West Branch DuPage River. The Superfund site includes about 1.5 miles of Kress Creek from the storm sewer outfall to the intersection of the Creek and West Branch DuPage River, and approximately 5.2 miles of the river from the West Chicago Sewage Treatment Plant to McDowell Grove Dam.

This project, which is located within the bounds of the Kerr-McGee Kress Creek/West Branch DuPage River Superfund site, proposes to use the unique opportunity offered by the clean-up activities to enhance and extend the stipulated post clean-up mitigation activities to benefit the natural resources in the West Branch DuPage River. The proposed Deep Over-wintering Pool Project would enhance an area which Kerr-McGee will use as a hydric soil source for other mitigation activities within the Superfund site. Kerr-McGee is stripping the top 15 – 30 inches of hydric soil off 7.8 acres. The 4.8 acre deep over-wintering pool/fringing wetlands project site is located within the 7.8 acres where the hydric soil will be removed. The Deep Over-wintering Pool Project will include some additional grading outside the 7.8 acre area to tie into existing topography.

1.2 Coordination with Kerr-McGee Superfund Activities

The Kerr-McGee remediation work along the West Branch DuPage River in the Kress Creek/West Branch DuPage River Superfund site provides a unique opportunity to provide environmental enhancements and restoration in addition to and complimentary to mitigation work under the Superfund activities. DuPage County has been working closely with Kerr-McGee for many years to optimize habitat enhancement and restoration opportunities in conjunction with the Superfund clean-up activities, in order to 1) promote cost effective restoration opportunities, 2) minimize the time frame and areas of disturbance to the natural and human environment by coordinating clean-up and restoration activities, and 3) reuse materials disturbed by the clean-up activities (such as tree roots, gravel, soil, etc.) in the most efficient and effective manner.

In order to maintain the cooperative approach in carrying out restoration activities, DuPage County is tied to the timeline of the Kerr-McGee remediation activities. Therefore, the proposed timeline for the project may shift due to changes in the planned implementation of the Kerr-McGee remediation activities.

1.3 Public Participation

The public has had several opportunities to comment on and provide input on the proposed project. The DuPage County Department of Economic Development and Planning and the Forest Preserve District of DuPage County held a public meeting on October 2, 2005 to provide a forum to explain the proposed project, as well as several

other proposed projects along the West Branch, and to seek public input. In addition, the public had another opportunity to comment on the proposed project, which is included in the DuPage County Division of Stormwater Management's West Branch DuPage River Watershed Plan. The draft Plan was released for public comment on January 3, 2006. The public comment period closed on February 1, 2006. The final Plan was approved by the DuPage County Stormwater Management Committee on February 7, 2006, and the DuPage County Board on February 14, 2006. The Deep Over-wintering Pool Project has not changed substantively since public review of the project as part of the West Branch DuPage River Watershed Plan. In addition to this project, the Plan includes additional integrated and coordinated projects proposed for a stretch of the West Branch DuPage River.

The DuPage County Division of Stormwater Management maintains a public website with information on the West Branch River Restoration (West Branch River Restoration 2006). This website is updated periodically and provides a forum for additional questions from the public.

1.4 Administrative Record

The administrative record for this project is maintained at:

NOAA Office of Response & Restoration
1305 East West Highway
Silver Spring, MD 20910
Contact: Sarah.Morison
Phone: (301) 713-2989
Email: Sarah.Morison@noaa.gov

2. ENVIRONMENTAL SETTING/AFFECTED ENVIRONMENT

The proposed project is located in unincorporated DuPage County, IL, along the West Branch DuPage River on the Roy C. Blackwell Forest Preserve designated as NW1/4 & NE1/4, Section 22, Township 39 N, Range 9 E. The project, which is within the bounds of the Kerr-McGee Kress Creek/West Branch DuPage River Superfund site, is on public land owned by the Forest Preserve District of DuPage County. The project site is located in the floodplain of the West Branch DuPage River, on the East side of the river. (See Figure 1: Map of the Roy C. Blackwell Forest Preserve, DuPage County, IL, including the location of the proposed project.)

DuPage County is a developed, populated area, with limited options for locating the restoration project. Project locations were limited to the publicly owned properties in the county (i.e. the DuPage County Forest Preserves). In addition, there are few geographically suitable floodplain areas to locate the project due to the generally narrow floodplain along the river, making it necessary to propose one specific location for the project.

2.1 Physical Environment

The West Branch DuPage River watershed covers approximately 127 square miles and after meeting up with the East Branch DuPage River, eventually flows into the Des Plaines River (part of the Mississippi River watershed). Primary land cover types in the West Branch DuPage River watershed, which is nearly fully developed, are residential, commercial, and open space. Kress Creek is a major tributary of the 32 mile long West Branch DuPage River. Three in-stream dams are located on the river, all downstream from the project site. Water sources for the river include groundwater and surface runoff, as well as input from sewage treatment facilities. The average flow of the West Branch DuPage River is 40 cfs. Sources of water to the project site include groundwater flow and stormwater runoff. The portion of the West Branch DuPage River which runs past the project site is most appropriately characterized as a large stream. During periods of normal flow, it is about 60 feet wide and 2 feet deep.

Water quality in the river is impacted by factors such as elevated phosphorus, nitrogen, and chloride levels. A workgroup is being established to monitor dissolved oxygen levels. Other water quality stressors include sediment, total dissolved solids, and fecal coliform bacteria. (CBBEWL 2006) Water sampling in 2005 found levels of phosphorus and fecal coliform to be above the Illinois EPA standards (Three Rivers Environmental Assessments 2006).

Glacial activity created the local geological setting of the area. The watershed is located at the boundary between two glacial moraine systems. The river lies in the outwash plains, consisting of stratified sediments from sand to boulder size.

The site is comprised of a flood plain, an upland drainage way, and gently rolling upland. The flood plain soils are mapped as Sawmill, a hydric soil unit with several non-hydric

inclusions. The drainage way is mapped as Will, a hydric soil formed in water reworked silts over sand and gravel. The uplands are formed in several non-hydric soil units formed in loess over sand and gravel.

Average annual temperatures in northern Illinois are 48°F, with average winter highs of mid-40's and lows in the teens. Average summer highs for the state are in the 80s, with average lows in the 60s. Precipitation in the state ranges from more than 48 inches in the south to less than 32 inches in the north. (State of Illinois 2006)

2.2 Biological Environment

The project location consists of several habitats, including flood-plain forest, wet meadows, and uplands. Vegetation in some habitats is dominated by invasive species. Plant inventories were performed by Wayne Lumpa and Scott Kobal in order to update historic records for Blackwell Forest Preserve (FPDDC 2002). Pat Kelsey and Darian Landolt performed subsequent inventories in 2004 and 2005 (CBBEWL 2004 and CBBEWL 2005b). The flood plain is dominated by low quality, immature flood plain forest. The dominant species are Boxelder (*Acer negundo*), Buckthorn (*Rhamnus cathartica*) and Cottonwood (*Populus deltoides*). Buckthorn is an invasive species categorized as a tall understory shrub or small tree (Minnesota DNR 2006). The riparian environment to lotic system transition is in very poor to fair condition (Three Rivers Environmental Assessments 2006). The wetlands in the drainage way are wet meadows dominated by the invasive exotic Reed-Canary Grass (*Phalaris arundinacea*); the wet meadows are of poor quality and lack native biodiversity. The uplands surrounding the project are currently dominated by short grass meadow and prairie and are managed for songbird habitat. The uplands also contain recent plantings of native tree clumps that would be preserved by the project. Dominant tree species on the project site are listed in the table below.

Table 1: Dominant Tree Species (FPDDC 2002, CBBEWL 2004 and CBBEWL 2005b)

Common Name	Scientific Name
Box elder	<i>Acer negundo</i>
Cottonwood	<i>Populus deltoides</i>
Green Ash	<i>Fraxinus pennsylvanics subinterrima</i>
Silver Maple	<i>Acer saccharinum</i>
White Mulberry	<i>Morus alba</i>
Osage Orange	<i>Maclura pomifera</i>
Hawthorn, several species	<i>Crataegus sp.</i>

In 2005, Three Rivers Environmental Assessments, LLC conducted limited biologic sampling of a section of the river valley of the West Branch DuPage River (the project site is located within the sampled section of river valley). The assessment included sampling for small mammals, reptiles, amphibians, fishes, aquatic macroinvertebrates, benthic organic matter, and crayfishes. Although the climatic conditions during this sampling period were not considered representative of a normal year because of drought, the preliminary results of the assessment appear to be consistent with similar evaluations performed in the past. Based on the preliminary results of the sampling, it appears that the area is not very species rich. Dominant species are in Table 2.

Table 2: Dominant Animals (Three Rivers Environmental Assessments 2005)

Common Name	Scientific Name
Mammals <ul style="list-style-type: none"> ▪ Deer mouse ▪ Raccoon 	(<i>Peromyscus maniculatus</i>) (<i>Procyon lotor</i>)
Amphibians/Reptiles <ul style="list-style-type: none"> ▪ Common Garter Snake ▪ Western Chorus Frog 	(<i>Thamnophis sirtulis</i>) (<i>Pseudacris triseriata</i>)
Fish <ul style="list-style-type: none"> ▪ Carp ▪ Bluntnose Minnow ▪ White Sucker 	(<i>Cyprinus carpo</i>) (<i>Pimephales notatus</i>) (<i>Catostomus commersoni</i>)
Invertebrates <ul style="list-style-type: none"> ▪ Rusty Crayfish (macro-invert) ▪ White Tail-splitter 	(<i>Orconectes rusticus</i>) (<i>Larmipna cornplinata</i>)

There are no special status species on the proposed project site; the 2005 surveys by Three Rivers Environmental Assessments, LLC found no state or federal threatened or endangered species. Consultations with federal, state, and county agencies indicate that

no state or federal threatened or endangered species are anticipated to be on the site. (See Appendix)

2.3 Human Environment

There are minimal hazards to environmental health at the site of the proposed project. Characterization of sediment contamination in the Kerr-McGee Kress Creek/West Branch DuPage River Superfund site established that the only remediation required on the project site is a 0.09 acre pocket along the river near the proposed channel connecting the Deep Pool to the river. Grading will not occur in this area until Kerr McGee has removed the contaminated material.

The area of contamination near the mouth of the proposed deep pool will be avoided when woody material is cleared from the site; this area of soil contamination will not be removed prior to vegetation removal. Based on the current schedule, Kerr-McGee plans to have cleanup in this river reach (including the 0.09 acre pocket) completed by July 2006 (CBBEWL 2006b). The contaminated area will be delineated prior to work near this area. Silt fence will be installed by Contractor at a distance at least halfway between the next two clean borings (completed as part of Kerr-McGee's prior CERCLA cleanup investigation) outside of the contaminated area. In addition, as part of the Deep Pool Bid Documents, a Special Provision will be in place indicating that a significant fine will be instituted should any work be done in the contaminated area.

There are no utilities available on the project site, and no sources of light or glare. Residences on the same side of the river near the project site (measured from the intersection of the proposed pool outlet and the river) include apartments located 0.4 mi (2000 feet) to the northeast and single family homes located 0.8 mi (4200 feet) to the southeast. Additionally, residences on the opposite side of the river include single family homes located 0.1 mi (600 feet) to the west and single family homes located 0.3 mi (1600 feet) to the southwest.

There are no roads on the project site. Roads near the project site include Gary's Mill Road – 1100 feet north of northernmost grading; Illinois Route 59 – 450 feet west of westernmost grading (across River); and Purnell Road – 2800 feet east of easternmost grading.

The project site is near several of the Roy C. Blackwell Forest Preserve trails: a portion of the Regional Trail, a north/south gravel trail along the east edge of project (it also runs around McKee Marsh); Catbird Trail, a looped grass trail along the south edge of project; Nighthawk Trail, a north/south running gravel trail 0.2 miles east of the Regional Trail; and Bob-o-link Trail, a looped gravel trail that joins with the Regional Trail 800 feet south of the project. The project site is accessed by two of the trails (Regional Trail and Catbird Trail). Preserve visitors are asked to stay on the trail system; current trail users include walkers, runners, horseback riders, skiers, birders, and cross-country teams from area schools and colleges. Other recreational uses near the project site include canoeing

and fishing on the West Branch DuPage River. See Figure 1 for the locations of the proposed project and forest preserve trails.

In addition to recreation uses, Roy C. Blackwell Forest Preserve (and thus potentially the project site) is also used for educational activities. Currently the neighboring Currier Elementary School and another local elementary school use the site/Roy C. Blackwell Forest Preserve for a program called “Mighty Acorns,” in which students participate in guided education/exploration and work projects to learn about biodiversity.

The project site is somewhat aesthetically pleasing since it is part of the greenbelt of riverine habitat along the floodplain of the West Branch DuPage River. However, the habitat has been significantly modified by past activity in the area, since it was used for farming and pasture. A significant portion of the plant community is not characteristic of the typical vegetation in a local, native ecosystem; current vegetation consists of both native and invasive species, including the invasive species reed canary grass (*Phalaris arundinacea*). A 2006 Phase I survey of the site (MARS 2006) and consultation with the Illinois Historic Preservation Agency indicate that there are no significant cultural resources located on the site, and no historical landmarks. (See Appendix.)

2.4 Baseline for Project Implementation -- Biological, Physical, and Human Environment After Kerr-McGee Activities

As noted earlier, the proposed project is located in an area in which Kerr-McGee is harvesting soil for its other mitigation activities within the Kerr-McGee Kress Creek/ West Branch DuPage River Superfund site. In June 2006, Kerr McGee will strip 15 to 30 inches of soil off 7.8 acres, including the area of the 4.8 acre Deep Over-wintering Pool Project site. The lower depth boundary of the soil removal will be adjusted on site to accommodate normal variations in soil depth on the site. The current biological and physical environment will be modified by Kerr-McGee’s soil harvesting activities.

The project site will consist of sediments (river alluvium) ranging in size from sand to cobbles and will not be aesthetically appealing after the Kerr-McGee soil removal actions. It will be a barren, open area, devoid of vegetation and wildlife (other than animals such as birds that might briefly use or transit through the site).

3. ALTERNATIVES, INCLUDING THE PROPOSED ACTION

The proposed alternatives for the Deep Over-wintering Pool Project were evaluated as part of the process of developing the West DuPage River Watershed Plan. All watershed plan alternatives for ecological improvement of the river were evaluated based on multiple criteria, including:

- Conformance to the Countywide Stormwater Management Plan
- Conformance to the Countywide Stormwater and Flood Plain Ordinance
- Water quality enhancements as a result of individual projects
- Environmental impacts associated with the proposed projects
- Ability to capitalize on the on-going Kerr-McGee remediation activities, including cost-effectiveness

3.1 Alternative 1 - No-Action

Under this alternative, DuPage County would not undertake any activities to enhance or improve the baseline mitigation activities performed by Kerr-McGee after soil is harvested from the site. Kerr-McGee's baseline mitigation activities consist of stabilizing exposed sediments and soil, and seeding and replanting with native species.

Kerr-McGee will replace the slope and elevation of the existing bank as closely as practical, incorporating erosion protection and stabilizing designs to transition the restored banks into the adjacent, undisturbed areas. All restored banks that are exposed to flowing water will be temporarily stabilized with a 100% biodegradable erosion control fabric, which will function until the roots of planted vegetation provide the support for long-term bank stability. Toe protection, in the form of native, river-run rock, will be utilized in some areas to protect the toe of the reconstructed bank from erosion. The vertical limit of stone placement will be field determined based on identification of the ordinary high water elevation prior to bank disturbance. Areas that are adjacent to removal areas dominated by invasive weeds will be enhanced by the removal of weeds and seeded with a native wetland seed mix. Wetland enhancement will be incorporated where it will provide the most ecological benefit.

This EA could select Alternative 1, No Action, as the preferred action if (1) the required Kerr-McGee mitigation activities would be just as effective or more effective in enhancing and restoring the environment than Alternative 2; or (2) there were insufficient funds available to construct Alternative 2; or (3) the EA determined that the Alternative 2 was not feasible.

3.2 Alternative 2 - Deep Over-wintering Pool Project (Preferred Alternative)

The proposed Deep Over-wintering Pool Project will create a pool and wetland complex to provide over-wintering habitat for certain native species of fish and to diversify and improve fish spawning and macroinvertebrate habitat along the West Branch DuPage River (See Figure 1 for project location within the Roy C. Blackwell Forest Preserve).

The pool and wetland depth and design were selected to meet the various needs of the native plant and animal community, such as the reproductive, feeding, and shelter requirements of native fish species, and wetland plant water depth requirements. Deep over-wintering pools are a rare type of habitat in the West Branch DuPage River. See section B below (B. Restoration Activities -- Deep Over-wintering Pool Project) for more detail on the project benefits to fauna and flora.

DuPage County is coordinating the Deep Over-wintering Pool Project activities with the Kerr-McGee Superfund activities along the West Branch DuPage River. The Deep Over-wintering Pool Project implementation would occur after Kerr-McGee soil harvesting activities are completed (as part of their CERCLA Superfund activities along the river). Kerr-McGee is harvesting hydric soil from the site for its mitigation activities following contaminated soil removal along the bed and floodplain of the river.

Areas impacted by remedial project soil and woody material removal activities are:

- Total Project: 35 acres
- Kerr McGee Soil Removal Construction Area (within silt fencing, includes stockpile areas): approx. 20.4 acres
- Kerr McGee Soil Removal: approx. 7.8 acres
- Soil and Sediment Stockpile (north of pool): approx. 3.9 acres

Areas impacted by restoration project construction:

- Created Pool/Fringing Wetland: approx. 4.8 acres

The three phases of activities on the project site -- Removal of Woody Material Prior to Soil Harvesting, Kerr-McGee Soil Harvesting, and Deep Over-wintering Pool Project Activities -- are described in more detail below. The approximate schedule of activities is as follows (actual timetable is driven by changes in anticipated timing of Kerr-McGee activities):

- May 10, 2006: Removal of Woody Material Prior to Soil Harvesting
- June 10, 2006: Estimated Completion date for Removal of Woody Material
- June - July 2006: Approximate Period of Hydric Soil Removal by Kerr-McGee
- Fall - Winter 2006: Construction of the Deep Pool/Wetland Complex
- Spring - Summer 2007: Plantings/Restoration

A. Remedial Activities -- Removal of Woody Material and Soil Harvesting

Removal of Woody Material Prior to Soil Harvesting

As part of their coordination with Kerr-McGee, and prior to the start of Kerr-McGee's hydric soil removal actions, DuPage County is removing woody material from the 7.8 acre hydric soil removal area within the 20.4 acre Soil Removal Construction Area. The County is harvesting the material to create woody materials in an optimal form for

subsequent restoration activities; woody materials will be stockpiled on the site until needed. The County will use the tree root balls and other parts of the vegetation as woody debris in the Deep Over-wintering Pool Project to provide habitat for fish and other aquatic animals. Kerr-McGee will use some of the extra woody material for their riparian restoration activities along the river. Excess vegetative material within the project limits will be chipped and trucked off-site to an Illinois licensed compost and mulch storage facility.

Kerr-McGee Soil Harvesting

Kerr-McGee is harvesting 15-30 inches of hydric soil from 7.8 acres for its restoration activities following contaminated soil removal along the bed and floodplain of the river (part of its CERCLA Superfund activities along the river). The 4.8 acre Deep Over-wintering Pool Project is within the 7.8 acre soil removal area. The hydric soil will be stockpiled on the site until restoration areas are prepared for its use; a portion of the harvested hydric soil will be used by DuPage County for its Deep Over-wintering Pool Project.

B. Restoration Activities -- Deep Over-wintering Pool Project

The proposed project will create a deep-water pool habitat ranging from 10 to 15 feet in depth (See Figure 2 for a plan of the project). Aspects of the pool and channel, such as the littoral shelf, limestone slabs, and downed snags, do not currently exist at the project site location; they are all new aspects of the site. A littoral zone (wetland shelf) within the pool will provide deep emergent habitat and structure as a fish nursery for species such as golden shiners, fathead minnows, mosquito fish, central mudminnows, blackstripe topminnows, pumpkinseeds, and green sunfish; native aquatic plant species will be planted within this zone. Additional shallow (0" to 6") wetland is proposed to be graded within the perimeter hydric soils around the pool, creating microhabitats and seasonally inundated flats, affording a full complement of aquatic and semi-aquatic transition to the surrounding landscape. The proposed pool will be connected to the river by a pool-riffle sequenced channel 10 to 30 feet wide, using natural rock and vegetation for stabilization.

Additional habitat variation will be found in limestone slabs and overhangs along portions of the pool and channel side slopes; the built-in habitat structures are designed to maximize sheltering and spawning opportunities for fish. Downed snags are planned in the littoral zone to provide further protection from birds and terrestrial predators. Native tree species will be planted in appropriate locations around the pool to provide shading; native shrubs planted along the northwest edge of the pool will reduce siltation by trapping sediment. Amphibians and reptiles will benefit from the littoral and transitional wetland zone, which will provide food and shelter for all stages of their life cycles. Water sources to support the pool and channel include groundwater, overland flow, and floodwaters from the river.

As part of the project construction, the Regional Trail will be restored to its original location, and will traverse through uplands and wetlands and over open water. A wooden bridge will be constructed to carry the trail over the pool.

Alternative 2, Deep Over-wintering Pool, is the preferred alternative.

4. ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION

The project is anticipated to result in enhanced and diversified habitat for native animals, improved water quality, and educational and recreational opportunities. The environmental benefits of the proposed Deep Over-wintering Pool Project are anticipated to be greater than the benefits of the standard habitat mitigation that would be implemented by Kerr-McGee after soil harvesting actions on the site.

During the construction phase, direct physical impacts to the environment are expected to be limited to the area within and adjacent to the deep-pool and wetland construction area. Heavy equipment will be required on-site to move hydric soils, excavate and build the pool and channel, place the limestone slabs and downed snags, and grade the land adjacent to the pool. All equipment will meet DuPage County requirements for equipment types operating in these sensitive zones. Impacts from construction activities will be brief and Best Management Practices will be used to minimize the impacts of the construction activities. No impacts on cultural resources (archaeological or historical) or on land use patterns are expected.

No violations of environmental protection laws at the state, federal, or local level are anticipated. The project manager will ensure that all applicable permits are obtained prior to project implementation, and that all permit requirements, as well as applicable environmental laws and regulations, are followed.

The overall conclusion is that any potential adverse environmental impacts at the restoration site would be short-term and construction related, while beneficial environmental impacts would result in long-term habitat values being added to the area's natural resources and aesthetic pleasures for humans.

Preliminary Finding of No Significant Impact: This decision does not constitute an action that necessitates preparation of an environmental impact statement (EIS). Based upon the environmental assessment (EA), this decision will not have a significant effect on the human environment. Negative environmental impacts that could occur are minor and temporary in effect. There are no significant and unmitigated adverse impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or material known risks, cumulative effects, or elements of precedent were identified. Implementation of the project will not violate any federal, state or local environmental protection law.

4.1 Physical Environment

Minimal impacts are expected to the physical environment. Sedimentation and erosion control measures will be instituted in accordance with NPDES Phase II requirements, (these are shown on the Soil Erosion and Sedimentation Control Plan and Stormwater Pollution Prevention Plan in the plan set). Measures include silt filter fence (wire-backed

along wetlands and the river), a stabilized construction entrance and haul road (which will be restored to natural condition following the project), erosion control blanketing, temporary/permanent seeding, aggregate ditch checks, a vegetative channel, and a weir spillway. Materials removed while digging the pool will be stockpiled and reused in other DuPage County restoration projects.

Since water sources for the project pool will include groundwater and surface water flow from the Roy C. Blackwell Forest Preserve, in addition to inputs from the river water, the elevated water quality parameters in the river (i.e. phosphorus and fecal coliform) are not anticipated to be an issue in the pool. Water quality is anticipated to be improved.

4.2 Biological Environment

No impacts are anticipated to federal and state threatened or endangered species. A Section 7 consultation with the U.S. Fish and Wildlife Service indicated no anticipated impacts; consultation with the Forest Preserve District of DuPage County, which is ceded authority by the State of Illinois for Threatened and Endangered consultations on Forest Preserve property, also indicates no anticipated impacts.

Biologic sampling (Three Rivers Environmental Assessments 2006) along a section of the river valley of the West Branch DuPage River (including the project area) indicates that the area is not rich in species or number of animals. Any animals within the project area will be disturbed during construction, but there is ample room for migration to adjacent areas in the Preserve. Very few animals are expected to be utilizing the barren sediment environment which will exist after the Kerr-McGee soil removal actions. The project will provide enhanced and diversified habitat for native animals.

Only native plants, trees, and shrubs will be used for creation and restoration of the site habitats, eliminating concerns with introduction of non-indigenous species. Post-project maintenance and monitoring will control invasive species colonization of the site.

Completion of the project will result in enhanced habitat, food sources, and breeding areas for native fish and animals. The created habitats will provide new areas for wetland plant and animals species.

4.3 Human Environment

There will be some impacts to air quality and noise during the project construction. Impacts to residents across the river will be minimized by limiting the days and hours of activity, and by timing construction of the Deep Over-wintering Pool to occur with ongoing Kerr-McGee activities, so that disturbances in the area do not occur twice. The area will be closed to the public during project construction to avoid public health and safety hazards. No impacts are anticipated to significant cultural or historical resources.

There will be some impact to recreational and educational activities on the project site during the construction process, primarily due to the Kerr-McGee clean-up. Since Kerr-

McGee clean-up construction progresses into river reaches adjacent to Roy C. Blackwell Forest Preserve, trails closest to the river will be closed, including Catbird Trail and the Regional Trail between its intersection with Bob-o-link Trail at the north and the parking lots by the Physical Plant Complex to the south. (See Figure 1) Construction of the Deep Over-wintering Pool will occur concurrently with Kerr-McGee work so as not to interrupt use of the Preserve twice. Access to the eastern half of the preserve between Gary's Mill and Mack Roads will remain via Nighthawk and Bob-o-link Trails. The Regional Trail will not be affected south of Mack Road as a result of this project. Recreation and educational programs will be able to continue in the open portions of the Preserve. While Kerr-McGee clean-up activities are occurring on the stretches of the river adjacent to Roy C. Forest Preserve and the project site, recreational uses such fishing and canoeing will be impacted (due to dewatering of the river bed and sediment removal). Construction of the Deep Over-wintering Pool will occur concurrently with Kerr-McGee work so as not to interrupt these recreational uses twice.

Once the project is constructed, the Regional Trail will traverse through uplands and wetlands and over open water via a wooden bridge, offering an opportunity for school classes and the public to study the biologic transitions and plants associated with each community.

As water sources for the project pool will include groundwater and surface water flow from the Roy C. Blackwell Forest Preserve, in addition to inputs from the river water, the elevated water quality parameters in the river (i.e. phosphorus and fecal coliform) are not anticipated to be an issue in the pool. Water quality is anticipated to be improved.

5. COORDINATION AND CONSULTATION

DuPage County Stormwater Management Division has consulted with all appropriate local, county, state, and federal agencies and officials to obtain required clearances for proceeding with the proposed project, including:

- U.S. Fish and Wildlife Service - Chicago Ecological Services Field Office (Threatened and Endangered Species Section 7 consultation)
- Illinois Department of Natural Resources (IDNR) - Office of Realty and Environmental Planning (State Threatened and Endangered Species consultation)
- Forest Preserve District of DuPage County (State Threatened and Endangered Species consultation)
- Illinois Historic Preservation Agency (Historic and Cultural Resources consultation)

The Appendix to this EA contains letters from the U.S. Fish and Wildlife Service and the Forest Preserve District of DuPage County indicating that the proposed project is expected to result in negligible impact to federal and state threatened and endangered species. In addition, a letter from the Illinois Historical Preservation Agency indicates that the proposed project is expected to result in negligible impacts to historic and cultural resources.

No problems are anticipated with procuring permits for the proposed project. The project manager will ensure that project implementation and monitoring is in compliance with all applicable laws, regulations, and permit conditions.

6. LIST OF AGENCIES, ORGANZATIONS, AND PERSONS CONSULTED

Below is a list of the agencies, organizations, and persons consulted by the DuPage County Stormwater Management Division and Christopher B. Burke Engineering West, Ltd. in developing the proposed project and/or the West Branch DuPage River Watershed Plan (the proposed project is one of a suite of projects outlined in the Watershed Plan).

- DuPage County Department of Economic Development and Planning, Stormwater Management Division: Anthony J. Charlton, P.E., Director
- DuPage County Stormwater Management Board
- Forest Preserve District of DuPage County
- City of Warrenville, IL: David Brummel, Mayor
- City of West Chicago, IL
- City of Naperville, IL: Erskine Klyce
- Village of Glen Ellyn, IL: A.W. McGurr, Stormwater Administrator
- Kerr-McGee (Tronox)
- Blasland, Bouck & Lee, Inc. (BB&L is Kerr-McGee's consultant, providing design and oversight of the cleanup contractor.)
- Illinois Department of Transportation, Division of Highways/District One: Mike Wisniewski, Permit Officer
- Illinois Department of Natural Resources (IDNR) - Office of Realty and Environmental Planning.
- Illinois Historic Preservation Agency

- Edwin A. Dieter, Resident
- John Landman, Resident
- Shelly Landman, Resident
- Sharon Stratton, Resident
- Richard Thomas, Resident

- Chicago Region Biodiversity Council (Chicago Wilderness)
- The Conservation Foundation
- Sierra Club

- U.S. Department of Commerce, National Oceanic and Atmospheric Administration: Sarah Morison, Ron Gouguet, Jen Lawton, Todd Goeks, and Rebecca Arenson (Office of Response & Restoration); Marguerite Matera and Jason Forman (GCNR)
- U. S. Environmental Protection Agency: Rebecca Frey, Remedial Project Manager for Kerr-McGee Superfund Site
- U.S. Fish and Wildlife Service - Chicago Ecological Services Field Office: John Rogner, Field Office Supervisor

- Midwest Archaeological Research Services, Inc.
- Southern Illinois University: Brooks Burr

- Three Rivers Environmental Assessments, LLC: Donovan Henry, Owner/Biologist
- Conservation Fisheries, Inc.: Patrick Rakes and J.R. Shute, Co-directors
- Kentucky Department of Fish and Wildlife – Center for Mollusk Conservation: Monte McGregor, Aquatic Scientist/Malacologist; Adam Shephard
- Tennessee Aquarium Research Institute: Paul Johnson, Director
- Tennessee Aquarium: George Bartnik, Education Programs Manager

7. REFERENCES

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Christopher B. Burke Engineering West, Ltd. 2005. Draft West Branch DuPage River Watershed Plan. Prepared for DuPage County Division of Stormwater Management, DuPage County, IL.

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Midwest Archaeological Research Services, Inc. (prepared by Clare Tomie and Rochelle Lurie). 2006 (March 29). A Phase I Archaeological Reconnaissance of the Proposed Deep Water Refuge, Roy C. Blackwell Forest Preserve, Du Page County, Illinois. Cultural Resources Management Report No. 1463.

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<http://www.sws.uiuc.edu/atmos/statecli/General/Illinois-climate-narrative.pdf>. 4 p.

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West Branch River Restoration, DuPage County Stormwater Management Division.
February 2006. Information on West Branch DuPage River Watershed Plan.
http://www.dupageco.org/dec/generic.cfm?doc_id=231

FIGURES

Figure 1: Map of the Roy C. Blackwell Forest Preserve, DuPage County, IL, including the location of the proposed project.

Figure 2: Schematic of Deep Over-wintering Pool: Existing Conditions and Overall Plan

Figure 3: Schematic of Deep Over-wintering Pool: Planting Plan

APPENDIX – Recommendation and Consultation Letters

1. U.S. Fish and Wildlife Service – Section 7
2. DuPage County Forest Preserve District – State Threatened and Endangered Species
3. DuPage County Forest Preserve District/Illinois Department of Natural Resources (IDNR), Office of Realty and Environmental Planning – MOU stating that authority for State Threatened and Endangered Species on the Preserves is ceded to the Preserves
4. Illinois Historic Preservation Agency – Historical and Cultural Resources
5. Midwest Archaeological Research Services, Inc. – Phase I survey results
6. U.S. Environmental Protection Agency – CERCLA activities e-mail



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chicago Ecological Services Field Office
1250 South Grove Avenue, Suite 103
Barrington, Illinois 60010
Phone: (847) 381-2253 Fax: (847) 381-2285

RECEIVED
MAR 23 2006

Christopher B. Burke Engineering West, Ltd.

IN REPLY REFER TO:
FWS/AES-CIFO/6-0986

March 17, 2006

Mr. Patrick Kelsey
Christopher B. Burke Engineering, Ltd.
116 West Main Street, Suite 201
St. Charles, Illinois 60174-1854

Dear Mr. Kelsey:

This responds to your letter dated March 2, 2006 requesting information on endangered or threatened species on or near the proposed Deep Overwintering Pool, NOAA Component Project I (CBBEL Project No. 04-968), located at T39N, R9E, Section 22 in Blackwell Forest Preserve, DuPage County, Illinois as depicted on the map you enclosed.

Based on the information provided in your submittal and a review of our records, we do not believe that any federally endangered or threatened species occur in the vicinity of the site. Based on the information provided, it does not appear that the project is likely to adversely affect any federally threatened or endangered species or adversely modify critical habitat of such species. This precludes the need for consultation on this project in accordance with section 7 of the Endangered Species Act of 1973, as amended. Should project modifications or new information indicate that endangered or threatened species may be affected, then consultation with the Service should be initiated by the U.S. Army Corps of Engineers.

Please note, this information is valid only for one year or until new information develops that indicates endangered or threatened species may be affected.

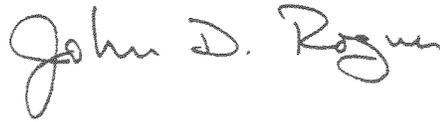
This letter only addresses federally listed species; the Illinois Department of Natural Resources should be contacted for information on State-listed species. Any impacts to wetlands or waters of the United States may require a permit from the U.S. Army Corps of Engineers. This letter does not preclude separate evaluation and comment the U.S. Fish and Wildlife Service on wetland impacts proposed for section 404, Clean Water Act authorization.

Mr. Patrick Kelsey

2

If you have any questions, please contact Ms. Chivia Horton at 847/381-2253 ext. 216, or Ms. Karla Kramer at 847/381-2253 ext. 230.

Sincerely,

A handwritten signature in black ink that reads "John D. Rogner". The signature is written in a cursive style with a large, looped "J" and "R".

John D. Rogner
Field Supervisor

cc: ACOE, Diedra L. Willis (Applicant: DuPage County Stormwater Management, Inc.)

INTERNAL ACTION REPORT
ENDANGERED AND THREATENED SPECIES REVIEW

Project Name: NOAA Deep Pool Restoration

Project Number:

Preserve Name: Blackwell

Township/Range/Section: T 39 N, R 9 E, Section 22

U.S.G.S. Quad Map Name(s): Naperville Quadrangle

General Project Description: Construction of deep pool/wetland habitat adjacent to the West Branch of the DuPage River. Including excavation of hydric soils and mixed glacial aggregate for instream and bank restoration areas.

Requested By: DuPage County

Department: Economic Development and Planning

Director/Supervisor:

Work Order Number:

REVIEW RESULTS

- 1) Are there endangered or threatened species present or is there an Illinois Natural Areas Inventory site located within the vicinity of the proposed project? (YES) **(NO)** If the answer is yes, list species and/or INAI site below.

Review Completed By: Erik Neidy

Date: 3/6/06

Evaluation Approved By:



Manager of Grounds & Resources

03/07/06
Date

COPY

01-125

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES
AND
THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY

The Memorandum of Understanding (hereinafter referred to as "MOU") made as of this 6th day of March, 2000, by and between the Illinois Department of Natural Resources, an executive branch of the State of Illinois (hereinafter referred to as "the Department") and the Forest Preserve District of DuPage County (hereinafter referred to as "the District"), establishes the terms and conditions under which the Department and the District will perform the "Endangered and Threatened Species Consultation Process" concerning impacts on State endangered and threatened species, Illinois Natural Areas and Illinois Nature Preserves.

Pursuant to the Illinois Endangered Species Protection Act [520 ILCS 10/11], The Illinois Natural Areas Preservation Act [525 ILCS 30/17], and the consultation process administrative rules [Illinois Register title 17, CH. 1, Pt. 1075, effective December 3, 1990], the Department and the District agree to the following terms and procedures:

The District agrees to:

1. Conduct periodic surveys within applicable monitoring programs for listed species on District properties owned and/or managed in order to maintain current locational information. This information shall be made available to the Department.
2. Provide and annual status report to the Department by January 1st of each year, describing describing the status of the listed species as well as actions that may have affected the species or their essential habitat. A narrative of major trends concerning and impacting the species will be prepared.
3. All actions, including land acquisitions, proposed by the District shall be reviewed by staff floral and faunal experts to determine whether a State listed species, Illinois Natural Area or Nature Preserve is in the vicinity of the proposed action. Where a listed species is present, management for its survival and recovery shall be a priority.
4. If a State listed species, Illinois Natural Area or Nature Preserve is in the vicinity, the project shall be submitted to the Department for consultation as defined in the administrative rules, except as defined in item 3 page 2.

The Department agrees to:

1. Provide, annually (not later than January 1 of each year) information from the Natural Heritage Database regarding the location of State listed species, Illinois Natural Areas or Nature Preserves on District property.
2. Review the District's annual status report, making recommendations or revisions, as needed, to content, format or scale.
3. Exempt actions undertaken by the District to "maintain or improve natural ecosystem conditions" or to "re-establish pre-settlement vegetation conditions" on properties with a listed species present. This includes such actions as prescribed burns, spot application of herbicides, brush clearing and other appropriate natural resource management activities.
4. Promptly notify the District of any actions outside District holdings submitted for consultation, review and/or assessment which, may directly or indirectly adversely affect a listed species, its essential habitat, or adversely modify Illinois Natural Areas or Nature Preserves owned and/or managed by the District.

TERMS OF THE MOU

The term of this MOU shall be a period of two (2) years from the date stated herein above. This MOU shall automatically be renewed for an additional two-year period unless terminated per the terms of this agreement. Either party shall have the right to cancel and terminate this MOU at any time prior to the second anniversary by providing at least ninety (90) days written notice to the other party.

IN WITNESS WHEREOF, the Department and the District have executed this agreement as of the date first written above.

ILLINOIS DEPARTMENT OF
NATURAL RESOURCES

By: *Brent Manning*
Director

FOREST PRESERVE DISTRICT
OF DUPAGE COUNTY, IL

By: *Robert D. Gooch*
Executive Director Robert D. Gooch

Attest: _____

Attest: _____
Flo E. Orlik



**Illinois Historic
Preservation Agency**

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • Teletypewriter Only (217) 524-7128

RECEIVED

APR 17 2006

Christopher B. Burke Engineering West, Ltd.

Voice (217) 782-4836

www.illinois-history.gov

DuPage County
Winfield Township

PLEASE REFER TO: IHPA LOG #011031706

Roy C. Blackwell Forest Preserve, 11-Du-501, Section:22-Township:39N-Range:9E,

CBBEWL-04-968-051, MARS-1463,
Deep Over-wintering Pool/NOAA Component Project 1

April 11, 2006

Patrick Kelsey
Christopher B. Burke Engineering West, Ltd
116 West Main Street
Suite 201
St. Charles, IL 60174

Dear Sir:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

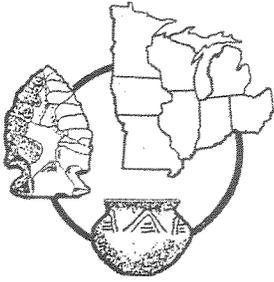
If you are an applicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or other assistance.

Sincerely,

Anne E. Haaker
Deputy State Historic
Preservation Officer

AEH

cc: Clare Tolmie, Midwest Archaeological Research Services, Inc.



MARS

Midwest Archaeological Research Services, Inc.
505 N. State Street
Marengo, Illinois 60152
Phone (815) 568-0680
Fax (815) 568-0681

March 28, 2006
Scott F. Randall, P.E.,
Christopher B. Burke Engineering West, Ltd.,
116 West Main Street, Suite 201
St. Charles, Illinois 60174

Dear Mr. Randall:

Enclosed please find six copies of the Midwest Archaeological Research Services, Inc. (MARS, Inc.) report titled *A Phase I Archaeological Reconnaissance of the Proposed Deep Water Refuge, Blackwell Forest Preserve, Du Page County, Illinois*. Two copies of this report should be sent to Mr. David Halpin at the Illinois Historic Preservation Agency (IHPA) for review. One of these copies should contain the original signature on the ASSR form in Appendix C. This copy is marked with a Post It note. The remaining four copies are for Du Page County, the Du Page County Forest Preserve, NOAA, and for your own records.

As noted in our telephone conversation and draft report, MARS, Inc. identified a small lithic scatter (11-Du-501). The site is in eroded soils in a former agricultural field at the north end of the project area. Disturbance from agriculture and erosion indicate that the site has no potential for intact subsurface deposits. No culturally diagnostic material was recovered. Site 11-Du-501 does not appear significant, and project clearance is recommended; however, IHPA makes the final decision on the status of the site.

I have also enclosed an invoice for work completed on the project. If you have any questions about the report or the invoice, please do not hesitate to call.

Sincerely
Midwest Archaeological Research Services, Inc.

Clare Tolmie, RPA
Senior Archaeologist
Enclosures: Report (6 copies), invoice

041706_EPA and IHPA_Additional Info for Deep Pool EA.eml.txt

Subject:
Additional Info for Deep Pool EA
From:
Emily Ambroso <EAmbroso@cbbel.com>
Date:
Mon, 17 Apr 2006 14:51:25 -0500
To:
Rebecca Arenson <Rebecca.Arenson@noaa.gov>
CC:
Scott Randall <SRandall@cbbel.com>

Rebecca:

Please find attached the IHPA clearance letter. Also, following is an e-mail from Becky Frey with USEPA indicating that the clearing and hydric soil removal at the deep pool site is considered part of the CERCLA remediation effort.

Let me know if you need anything else, but hopefully this is it.

Thanks!

Emily Ambroso

-----Original Message-----

From: Frey.Rebecca@epamail.epa.gov [mailto:Frey.Rebecca@epamail.epa.gov]
Sent: Friday, April 14, 2006 6:01 PM
To: John Wills
Cc: Fulghum.Mary@epamail.epa.gov
Subject: Hydric Soil Removal - West Branch DuPage River Remediation

John-

As we have discussed, EPA has reviewed and considered the questions raised in your letter dated February 2, 2006, regarding whether the clearing and hydric soil harvesting you described can be considered part of the Kerr-McGee (now Tronox) remediation effort. The hydric soil would come from an area where construction of a NOAA-funded deep over-wintering pool would be constructed. While construction of the over-wintering pool is not required by the CERCLA cleanup and restoration work, it is intended to enhance the CERCLA work.

I consulted with EPA Region 5's Office of Regional Counsel on this matter, and we concluded that the answer is "yes" - the clearing and hydric soil removal can be considered part of the remediation effort. Tronox needs to obtain hydric soils for the restoration work associated with the CERCLA cleanup of thorium contamination from the West Branch DuPage River. The hydric soil removal area you described (depicted on figures attached to your letter) is in very close proximity to the thorium contamination that is the subject of the CERCLA cleanup, and the hydric soil removal area is suitable and necessary to implement the CERCLA response action. Therefore, the removal of vegetation to allow excavation of the hydric soils and the excavation of the hydric soils does not require federal, state or local permits but those response activities still must comply with all substantive requirements of such permits.

Please let me know if you need a more formal letter on this matter or

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whether this email will suffice. Thanks.

- Becky

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Content-Encoding:
base64



Illinois Department of Transportation

Division of Highways/Region One / District One
201 West Center Court/Schaumburg, Illinois 60196-1096

PERMITS

File Number: D-060114
Location: Gary's Mill Road E/O IL 59 – West Chicago
RE: Blackwell Forest Preserve Clearing

March 23, 2006

Scott Randall
Christopher B. Burke Engineering West, Ltd.
116 West Main St. –Suite 201
St. Charles, IL. 60174-1854

RECEIVED

MAR 27 2006

Christopher B. Burke Engineering West, Ltd.

Dear Mr. Randall:

We have completed our review of your submitted engineering drawings for the subject location and have the following comments.

Please be advised that it appears that all work is proposed on private property. If any impacts to the State right of way are anticipated, a permit from this office would be required. We are returning your plans.

If you have any questions regarding this matter, please contact Mr. Mike Wisniewski at (847) 705-4131.

Very truly yours,

Diane M. O'Keefe, P.E.
Deputy Director of Highways,
Region One Engineer

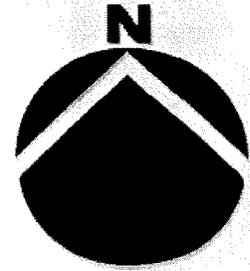
By:
Stephen M. Travia, P.E. ↙
Bureau Chief of Traffic

MW/beh

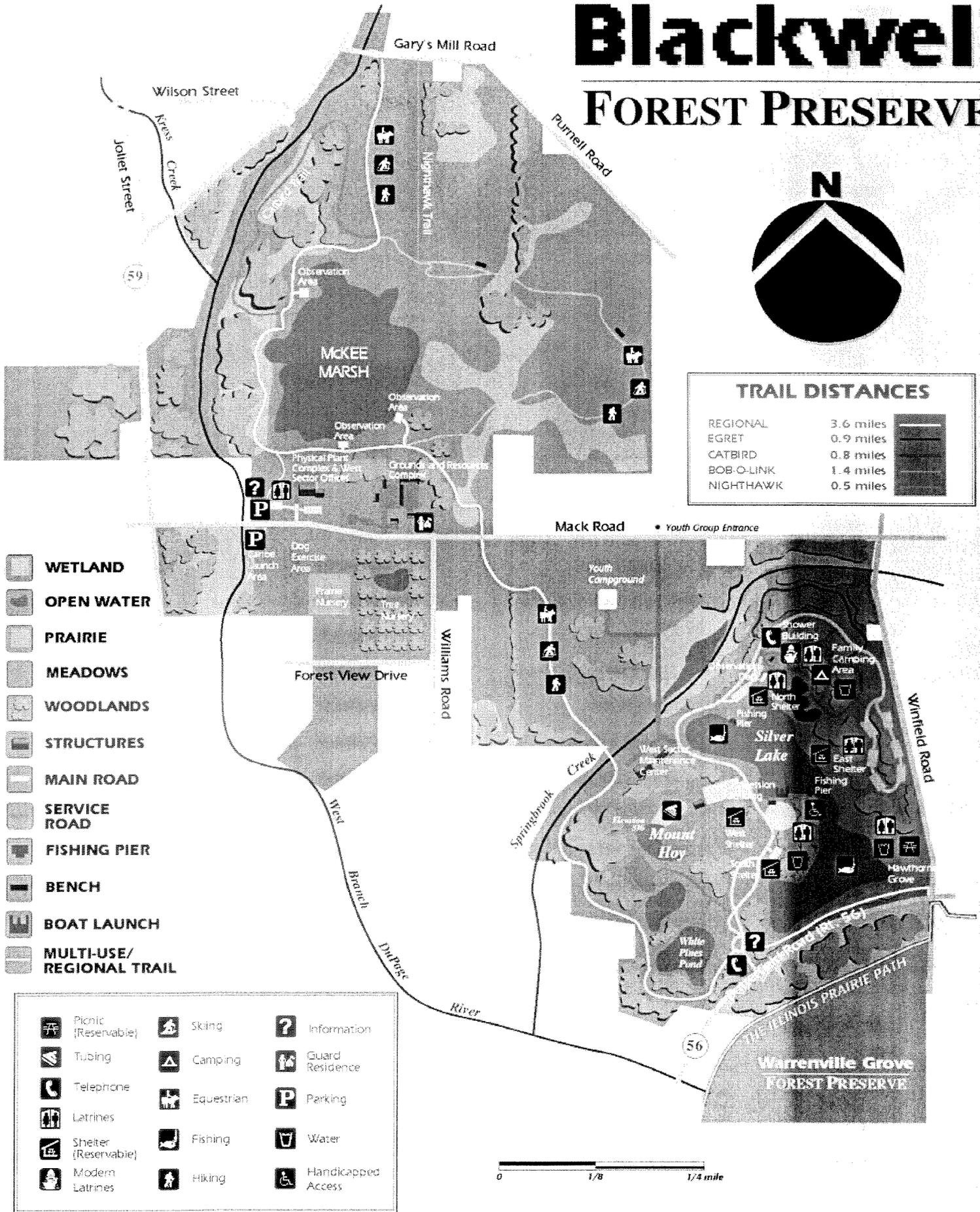
enclosure

cc: Reading File
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Blackwell FOREST PRESERVE



TRAIL DISTANCES	
REGIONAL	3.6 miles
EGRET	0.9 miles
CATBIRD	0.8 miles
BOB O-LINK	1.4 miles
NIGHTHAWK	0.5 miles



- WETLAND
- OPEN WATER
- PRAIRIE
- MEADOWS
- WOODLANDS
- STRUCTURES
- MAIN ROAD
- SERVICE ROAD
- FISHING PIER
- BENCH
- BOAT LAUNCH
- MULTI-USE/
REGIONAL TRAIL

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FIGURES

Figure 1: Map of the Roy C. Blackwell Forest Preserve, DuPage County, IL, including the location of the proposed project.

Figure 2: Schematic of Deep Over-wintering Pool: Existing Conditions and Overall Plan

Figure 3: Schematic of Deep Over-wintering Pool: Planting Plan

